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HOUSE BILL 730

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Al Park

AN ACT

RELATING TO CRIMINAL OFFENDER EMPLOYMENT; PROVIDING FOR THE  
POWER TO SUSPEND, REVOKE OR REFUSE TO ISSUE A REAL ESTATE  
LICENSE FOR PERSONS CONVICTED OF CERTAIN CRIMES; RECONCILING  
MULTIPLE AMENDMENTS TO A SECTION OF LAW IN LAWS 1997.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 28-2-1 NMSA 1978 (being Laws 1974,  
Chapter 78, Section 1) is amended to read:

"28-2-1. SHORT TITLE.--~~[Sections 1 through 6 of this act]~~  
Chapter 28, Article 2 NMSA 1978 may be cited as the "Criminal  
Offender Employment Act"."

Section 2. Section 28-2-4 NMSA 1978 (being Laws 1974,  
Chapter 78, Section 4, as amended by Laws 1997, Chapter 238,  
Section 5 and also by Laws 1997, Chapter 251, Section 1) is  
amended to read:

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1 "28-2-4. POWER TO REFUSE, RENEW, SUSPEND OR REVOKE PUBLIC  
2 EMPLOYMENT OR LICENSE.--

3 A. Any board or other agency having jurisdiction  
4 over employment by the state or any of its political  
5 subdivisions or the practice of any trade, business or  
6 profession may refuse to grant or renew or may suspend or  
7 revoke any public employment or license or other authority to  
8 engage in the public employment, trade, business or profession  
9 for any one or any combination of the following causes:

10 (1) where the applicant, employee or licensee  
11 has been convicted of a felony or a misdemeanor involving moral  
12 turpitude and the criminal conviction directly relates to the  
13 particular employment, trade, business or profession;

14 (2) where the applicant, employee or licensee  
15 has been convicted of a felony or a misdemeanor involving moral  
16 turpitude and the criminal conviction does not directly relate  
17 to the particular employment, trade, business or profession, if  
18 the board or other agency determines after investigation that  
19 the person so convicted has not been sufficiently rehabilitated  
20 to warrant the public trust; or

21 (3) where the applicant, employee or licensee  
22 has been convicted of homicide, kidnapping, trafficking in  
23 controlled substances, criminal sexual penetration or related  
24 sexual offenses or child abuse and the applicant, employee or  
25 licensee has applied for reinstatement, renewal or issuance of

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1 a teaching certificate, a license to operate a child-care  
2 facility, [~~or~~] employment at a child-care facility or a license  
3 to practice real estate, regardless of rehabilitation.

4 B. The board or other agency shall explicitly state  
5 in writing the reasons for a decision [~~which~~] that prohibits  
6 the person from engaging in the employment, trade, business or  
7 profession if the decision is based in whole or in part on  
8 conviction of any crime described in Paragraphs (1) and (3) of  
9 Subsection A of this section. Completion of probation or  
10 parole supervision or expiration of a period of three years  
11 after final discharge or release from any term of imprisonment  
12 without any subsequent conviction shall create a presumption of  
13 sufficient rehabilitation for purposes of Paragraph (2) of  
14 Subsection A of this section."